

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA            )  
  )  
          v.                                )   Crim. No. 04-10219-JLT  
  )  
EMMANUEL LEE                            )

**ASSENTED TO MOTION TO HAVE DRUGS  
INSPECTED AND WEIGHED BY DEFENSE EXPERT**

Now Comes defendant Emmanuel Lee, who respectfully moves this Court to order the United States government, through its agent the United States Customs Service, to provide the defendant's expert, Dr. Harvey Cohen, access to the narcotics seized from the defendant in the above captioned case for the purpose of inspecting and independently weighing said narcotics. Dr. Cohen's curriculum vitae is attached as Exhibit A. In support of this motion, defendant states the following and attaches a proposed order for the Court:

1. Counsel for Mr. Lee has discussed this motion with AUSA Glenn McKinley and he has assented to the motion.

2. The U.S. Customs Service seized approximately 502 grams of cocaine from the defendant when he returned from a trip to Jamaica. Mr. Lee has already pled guilty to importation of these drugs before this Court.

3. Given that the amount of cocaine is within 3 grams of the weight which triggers a minimum mandatory sentence of five (5) years, this Court has previously granted defendant funds for the purpose of hiring an expert to re-weigh the drugs.

4. Defendant now needs an order from the court granting his expert access to the drugs which are held by the U.S. Customs Service. This order has been assented to by the United States Attorney's Office. See attached Proposed Order.

Wherefore, defendant moves this Court to grant his motion and enter the attached order.

Submitted By  
Emanuel Lee's Attorney

James Budreau /S/  
James Budreau, Bar# 559931  
20 Park Plaza Suite 905  
Boston, MA 02116  
(617)227-3700

AFFIDAVIT OF COUNSEL

I, James Budreau, do state that the following is true to the best of my knowledge:

1. I was appointed as counsel for Emanuel Lee in the above referenced case.

2. The facts contained in the motion are true to the best of my knowledge and recollection.

3. I have spoken to AUSA Glenn McKinley about this motion and order and he has assented.

Signed under pains and penalties of perjury,

James Budreau /S/  
JAMES BUDREAU

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	Crim. No. 04-10219-JLT
	)	
EMMANUEL LEE	)	

**ORDER**

It is hereby Ordered that the United States Customs Service provide the defense expert, Dr. Harvey Cohen, access to the narcotics seized from Lee in the above captioned case for the purpose of inspecting and weighing said drugs prior to the September 29, 2005 sentencing date scheduled for Mr. Lee.

So ordered,

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THE HONORABLE JOSEPH TAURO  
United States District Court Judge  
District of Massachusetts  
One Courthouse Way  
Boston, MA

**CAMBRIDGE TECHNICAL ASSOCIATES**  
TECHNICAL EXPERT SERVICES

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**Harvey M. Cohen, Ph.D., C.I.H.**

**Consultant: Chemistry, Industrial Hygiene and Safety**

**Education:** A.B. (1958) in Chemistry from Harvard College; Ph.D. (1963) in Chemistry from M.I.T.

**Certification:** Certified by American Board of Industrial Hygiene in Chemical Aspects of Industrial Hygiene.

**Professional Societies:** American Chemical Society, including Division of Health and Safety; American Academy of Industrial Hygiene; American Industrial Hygiene Association; National Safety Council, including Committee on Alcohol and Other Drugs.

**Industrial and Teaching Experience:** Analytical Chemist, Avco Research and Advanced Development Division (1959-61); Senior Chemist, National Research Corporation (1962-69); Senior Engineer, Norton Company (1969-70); Vice-President and President, Technology Associates, Inc. (1970-76); Adjunct Assistant Professor of Chemistry, Northeastern University (1978-83); Instructor at Northwestern University Traffic Institute on Alcohol and Vehicular Homicide (1996, 1997); Instructor at Borkenstein Course (Alcohol), Indiana University (2001- 2002); Speaker at seminars and symposia related to alcohol, alcohol analysis, alcohol toxicology, alcohol pharmacokinetics, and blood-alcohol concentration; Author of numerous publications relating to alcohol; Consultant (1976-Present).

**Consulting Experience:** Chemistry, Hazardous substances, Industrial Hygiene and Safety, Hazardous Waste, Expert Witness (Product Liability, Product Failure, Liquor Liability, Drunk Driving, Drugs and other Criminal Matters, Workmen's Compensation).

Evaluation and Control of Exposure to Chemicals: OSHA, SARA III and State Right-To-Know Laws (Compliance), Labeling, MSDS Preparation, Protective Clothing, Indoor Air Pollution, Hazardous Consumer Products.

Solvents - Alcohols - Acids - Caustic Materials - Silica - Asbestos - Lead - Beryllium - Metal Fumes - Formaldehyde - Isocyanates - Pesticides - Dyes - Combustion Products.

Flammability and Explosion Hazards: Fires and explosions, flammable gases, liquids and solids, exploding soft drink bottles.



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**Outside Professional Activities:** Judge (chemical and environmental exhibits) in Boston  
Globe Science Fair (M.I.T.).

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